

Message Text

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ACTION ARA-10

INFO OCT-01 ISO-00 COME-00 INT-05 AGR-05 IO-10 SCS-03 L-03

EB-07 OFA-01 SCA-01 H-02 INR-07 DLOS-04 PRS-01

DOT-00 SS-15 TRSE-00 CIAE-00 DODE-00 PM-03 NSAE-00

NSC-05 PA-01 SP-02 USIA-06 /092 W

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R 171545Z JUL 75

FM AMEMBASSY NASSAU

TO SECSTATE WASHDC 6951

INFO COMDT COGARD WASHDC

COGDSEVEN MIAMI

C O N F I D E N T I A L SECTION 1 OF 2 NASSAU 1153

E.O. 11652: GDS

TAGS: EFIS, BF

SUBJ: SPINY LOBSTER: LUNCHEON DISCUSSION WITH RODNEY BAIN,
SECRETARY TO THE CABINET

REF: A) STATE 165031, B) NASSAU 1087

1. I ASKED BAIN WHEN I COULD EXPECT TO RECEIVE A CALL FROM PRIME MINISTER PINDLING TO CONTINUE THE EXCHANGE BEGUN AT MY LAST MEETING WITH HIM ON THE SPINY LOBSTER ISSUE. BAIN STATED THAT THE PM HAD INDICATED THAT HE COULD NOT GET TO THE MATTER THIS WEEK, BUT THAT I COULD EXPECT A CALL NEXT WEEK TO SET UP AN APPOINTMENT. BAIN ASKED WHETHER I FORESAW PARTICULAR URGENCY IN THE MATTER.

2. I RESPONDED BY SAYING THAT I FRANKLY THOUGHT THE GCOB OUGHT TO FEEL AT LEAST AS MUCH A SENSE OF URGENCY IN PURSUING DISCUSSIONS AS DID WE. I REMINDED BAIN THAT WE HAD PROPOSED SUCH TALKS DATING BACK TO LAST DECEMBER AND THAT WE WERE NOW CLOSE UPON OPENING OF THE FISHING SEASON WITHOUT THOSE TALKS HAVING BEGUN. WHILE I HAD NO REASON TO BELIEVE THAT ONCE INITIATED THE TALKS COULD
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NOT REACH AGREEMENT CONSISTENT WITH INTERESTS OF BOTH

COUNTRIES, UNTIL THAT RESULT WAS ACCOMPLISHED WE WERE CONFRONTED WITH A POTENTIALLY DIFFICULT SITUATION RELATING TO ENFORCEMENT. I STATED THAT IF GCOB COULD AGREE TO A MORATORIUM ON ENFORCEMENT, THEN SO FAR AS I COULD SEE THERE WAS NO GREAT URGENCY FROM OUR POINT OF VIEW. HOWEVER, IN THE ABSENCE OF A MORATORIUM THERE WAS ALWAYS DANGER OF CONFLICT SITUATIONS ARISING WHICH WE WISHED TO AVOID.

3. BAIN THEN WENT INTO A LONG DISSERTATION ON THE PROBLEMS WHICH AN EXPLICIT STATEMENT OF A MORATORIUM ON ENFORCEMENT WOULD PRESENT TO THE GOVERNMENT. HE WENT ON TO EMPHASIZE, HOWEVER, THAT THEIR NOTE OF JULY 3, REF B, WHICH REFERS TO ACTING " WITH DISCRETION" IN ENFORCEMENT WAS INTENDED TO MAKE CLEAR THAT SUCH ENFORCEMENT WOULD BE ROUGHLY ANALOGOUS TO THAT WHICH OBTAINED AT THE TIME THAT GCOB DECLARED THE 12-MILE LIMIT. I ASKED BAIN IF HE COULD AMPLIFY BY INDICATING SPECIFICALLY WHAT MARINE POLICE WOULD BE INSTRUCTED TO DO. WHILE STATING HE COULD NOT GIVE ASSURANCE ON HOW "INDIVIDUAL POLICE WOULD ACT IN EVERY SITUATION", BAIN STATED THAT IT WAS HIS EXPECTATION THAT THE POLICE WOULD INITIALLY PROVIDE WARNING NOTICES TO THOSE FOUND FISHING FOR LOBSTER ON THE CONTINENTAL SHELF AREA. I ASKED WHAT WOULD HAPPEN IF FISHERMEN CONTINUED TO FISH DESPITE WARNINGS. BAIN AVOIDED EXPLICIT RESPONSE BUT SAID OF COURSE POLICE WOULD HAVE TO UPHOLD THE LAW. I ALSO ASKED BAIN WHETHER GOVERNMENT WAS NOT CONCERNED OVER THE POSSIBILITY THAT INDIVIDUAL FISHERMEN ON BOTH SIDES MIGHT CLASH GIVEN AMBIGUITY OF THE SITUATION. BAIN PURPORTED NOT TO BE CONCERNED ON THIS SCORE. BAIN MADE IT CLEAR THAT GCOB DID NOT FEEL THAT FOR POLITICAL REASONS IT COULD EXPLICITLY STATE THAT A MORATORIUM EXISTED OR GO BEYOND WHAT WAS STATED IN GCOB NOTE, REF B, ON THIS SUBJECT. I REMINDED BAIN THAT USG HAD FOUND IT POSSIBLE TO ACCEPT SUCH A MORATORIUM IN AN ANALOGOUS SITUATION VIS-A-VIS CANADA AND I DID NOT SEE WHY GCOB COULD NOT ACT IN COMPARABLE MANNER IN THIS INSTANCE. COMMENT: BAIN WAS OBVIOUSLY PREPARED FOR THIS ISSUE AND I RATHER SUSPECT WAS INSTRUCTED TO MAKE CLEAR HOW FAR GCOB WAS PREPARED TO GO. THE WHOLE TONE OF HIS PRESENTATION

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WAS SUCH AS TO IMPLY THAT A PROBLEM MIGHT NEVER ARISE BY VIRTUE OF THE MANNER IN WHICH THE POLICE ENFORCED (OR BETTER STATED, FAILED TO ENFORCE) THE NEW LEGISLATION. THIS OPENS A POSSIBILITY ON WHICH WE PREVIOUSLY SPECULATED, NAMELY, THAT WE MIGHT INDEED PLAY A WAIT AND SEE ROLE ON GCOB ENFORCEMENT WITH HOPE THAT THEIR LIMITED ENFORCEMENT CAPACITY PLUS INTERNAL ORDERS TO POLICE WILL RESULT IN MINIMAL OR EVEN CONCEIVABLY NO EFFECTIVE ENFORCEMENT

OF THEIR LEGISLATION. IF WE DO DECIDE TO FOLLOW THIS LINE, HOWEVER, THERE CAN BE NO ASSURANCE THAT AN AMERICAN VESSEL, ONCE WARNED, WILL NOT SUBSEQUENTLY BE ARRESTED AND PROSECUTED. WE PRESUME COAST GUARD WOULD STILL BE REQUIRED TO WARN FISHERMEN NOT TO FISH IN GCOB SHELF WATERS.

4. I ASKED BAIN IF HE HAD ANY PERSONAL VIEWS AS TO HOW SOON THE GCOB WOULD BE PREPARED TO UNDERTAKE DISCUSSIONS AND WHETHER ON BASIS OF LAST WEEK'S CABINET DISCUSSIONS HE EXPECTED ANY ADDITIONS TO THE THREE PRINCIPLES SET FORTH BY PM TO ME. BEYOND SAYING THAT I COULD EXPECT TO HEAR FROM PM NEXT WEEK WITH REGARD TO AN APPOINTMENT, HE WOULD NOT SPECULATE ON WHEN ACTUAL TALKS MIGHT BEGIN. HE DID NOT THINK THAT THERE WOULD BE ADDITIONAL PRINCIPLES ADVANCED BY GCOB, ALTHOUGH THERE MIGHT BE SOME "COROLLARIES."

5. BAIN ASKED WHEN WE INTENDED TO RESPOND TO THEIR NOTE, REF B. I SAID THAT IN VIEW OF THE FACT THAT NOTE ARRIVED AT ABOUT THE SAME TIME AS MY CONVERSATION WITH PM, WHICH HAD ENDED WITH A PROMISE FOR SUBSEQUENT MEETING IN NEAR FUTURE, I THOUGHT IT PROBABLY ADVISABLE TO GIVE PRECEDENCE TO THAT LINE OF COMMUNICATION. I ALSO COMMENTED THAT EXCHANGE OF NOTES ON THIS SUBJECT SEEMED TO GIVE RISE TO REPEATED REQUESTS FOR CLARIFICATION AND THAT THE MATTERS WE WISHED TO PURSUE WERE MORE EFFECTIVELY HANDLED IN FACE-TO-FACE DISCUSSIONS. WHILE AGREEING WITH LATTER POINT, BAIN DID COMMENT THAT ONE ASPECT OF GCOB NOTE WAS CONSIDERED IMPORTANT, THIS HAD TO DO WHAT POINT (2) IN THEIR NOTE WHICH BAIN INTERPRETED AS ESTABLISHING THE REQUIREMENT THAT USG AGREE IN PRINCIPLE WITH VALIDITY OF GCOB LEGISLATION AS PRECONDITION FOR NEGOTIATION. I AVOIDED A DIRECT RESPONSE AND SAID I WOULD TAKE ANOTHER CONFIDENTIAL

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LOOK AT THE NOTE.

COMMENT: ACTUALLY POINT TO WHICH BAIN REFERRED IS CAST IN TERMS OF USG ADVISING ITS NATIONALS "TO RESPECT, RATHER THAN VIOLATE THE FISHERIES LAWS OF THE COMMON-WEALTH OF THE BAHAMAS." HOWEVER, BAIN WAS CLEAR THAT INTENT WAS TO GAIN EXPLICIT USG RECOGNITION OF VALIDITY OF GCOB SHELF LEGISLATION. WHEN I RECENTLY MET WITH INTERESTED PARTIES IN DEPARTMENT, I WAS ASKED TO OMIT FROM MY DEMARCHE TO PM AN EXPLICIT REAFFIRMATION THAT WE ACCEPTED VALIDITY OF GCOB LEGISLATION EVEN THOUGH I HAD PREVIOUSLY SO STATED AND HAD SO REPORTED TO DEPARTMENT. THOSE AT THE MEETING STATED THERE WAS NO INTENTION ON PART OF ANY ELEMENT IN DEPARTMENT TO TAKE ISSUE WITH VALIDITY OF GCOB LEGISLATION. RATHER THE POINT WAS A

TACTICAL ONE, I.E., TO SAVE THIS "CONCESSION" FOR LATER.
THOUGH I DOUBTED THERE WAS ANY TACTICAL ADVANTAGE TO BE
GAINED, I DID OMIT POINT FROM PRESENTATION TO PM. IT
NOW WOULD APPEAR GCOB REQUIRES AN EXPLICIT OFFICIAL
ACKNOWLEDGMENT THAT WE DO ACCEPT VALIDITY OF THEIR LAW.
UNLESS SOMEONE CAN COME UP WITH A GOOD REASON FOR NOT
MAKING THIS ACKNOWLEDGMENT AND THUS REMOVING WHAT IS A
NON-ISSUE FROM ENCUMBERING THE NEGOTIATION, I SUGGEST
OUR RESPONSE TO GCOB NOTE (SEE PARA 9 BELOW) CONTAIN
SUCH ACKNOWLEDGMENT.
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ACTION ARA-10

INFO OCT-01 ISO-00 COME-00 INT-05 AGR-05 IO-10 SCS-03 L-03

EB-07 OFA-01 SCA-01 H-02 INR-07 DLOS-04 PRS-01

DOT-00 SS-15 TRSE-00 CIAE-00 DODE-00 PM-03 NSAE-00

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R 171545Z JUL 75

FM AMEMBASSY NASSAU

TO SECSTATE WASHDC 6952

INFO COMDT COGARD WASHDC

COGDSEVEN MIAMI

C O N F I D E N T I A L SECTION 2 OF 2 NASSAU 1153

7. ON ASSUMPTION THAT TALKS WOULD GET UNDERWAY SOON,
BAIN ASKED WHETHER I THOUGHT USG WOULD HAVE SPECIFIC
"PROPOSALS." I SAID I THOUGHT NOT, RATHER IT WAS GCOB
WHICH WAS PROPOSING CERTAIN PRINCIPLES BE ESTABLISHED
AND WE WOULD BE INTERESTED IN EXAMINATION OF DETAILED
IMPLICATIONS OF THOSE PRINCIPLES. BAIN, WHO IS GENERALLY
RATHER IMPASSIVE, SEEMED MOMENTARILY CRESTFALLEN.
ACCORDINGLY, I ASKED WHAT HE HAD EXPECTED. HE THEN
LAUNCHED INTO A LENGTHY DISSERTATION DESCRIBING THE
IMPORTANCE PRESENT GOVERNMENT PLACED ON DEVELOPING ECONOMIC
VIABILITY OF GCOB. ONE OF ITS "PRECIOUS FEW RESOURCES"

WAS THE SPINY LOBSTER. IT WAS WITH THIS IN MIND THAT PM HAD REFERRED TO ULTIMATE PLANS FOR PROCESSING OF LOBSTERS IN BAHAMAS. GIVEN IMPORTANCE WHICH GCOB PLACED ON THE ECONOMIC FACTOR, HOPE WAS THE U. S. WOULD HAVE SOME SORT OF A "PLAN" TO PROPOSE. I STATED THAT SO FAR AS I WAS AWARE NO THOUGHT HAD BEEN GIVEN BY USG TO PRESENTING SUCH A PLAN, NOR DID I THINK IT EITHER APPROPRIATE OR FEASIBLE FOR US TO DO SO. HOW LARGE A PROCESSING INDUSTRY GCOB HAD IN MIND, WHERE IT WOULD BE LOCATED, WHAT LEVEL OF RESOURCES IT WAS PREPARED TO DEVOTE AND OVER WHAT PERIOD OF TIME TO DEVELOPMENT OF THIS CAPABILITY, WHAT ITS
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PERSONNEL AND TECHNICAL CAPACITIES WERE, ETC., WERE MATTERS BETTER KNOWN TO GCOB THAN TO USG.

COMMENT: FOR WHAT IT IS WORTH, MY IMPRESSION IS THAT BAIN MAY HAVE REVEALED AN IMPORTANT ASPECT OF GCOB THINKING. IT WOULD APPEAR THAT HAVING AGREED WITHIN ITS OWN COUNCILS THAT PROCESSING AND SUBSEQUENT EXPORT OF SPINY LOBSTER COULD BE DEVELOPED INTO A SIGNIFICANT INDUSTRY, IT HAS NOT THOUGHT BEYOND THIS GENERALIZATION AND, IN FACT, MAY LOOK TO THE U. S. TO HELP IT DEVELOP A PLAN FOR ACCOMPLISHING ITS XOBJECTIVE. IT IS EVEN NOT BEYOND THE REALM OF THE CONCEIVABLE THAT THEY MAY EXPECT U. S. AID IN BUILDING UP SUCH AN INDUSTRY, ALTHOUGH I SHOULD EMPHASIZE THIS WAS NOT EXPLICITLY MENTIONED BY BAIN. IN ANY EVENT, IF GCOB HASN'T THOUGHT THROUGH DETAILS, WE MIGHT WANT TO CONSIDER WHETHER THIS DOESN'T PRESENT OPPORTUNITY FOR US TO GUIDE THIS ASPECT OF NEGOTIATION INTO CHANNELS MOST CONSISTENT WITH OUR INTERESTS.

8. BAIN QUERIED AS TO WHWI THE MODALITIES FOR CONDUCTING THE TALKS ON THE USG SIDE WOULD BE. I EXPLAINED, CONSISTENT WITH REF A, THAT I EXPECTED A TEAM HEADED BY OUR EXPERT IN THESE MATTERS WOULD BE AVAILABLE FOR PURSUING DISCUSSIONS. BAIN'S GROAN WAS ALMOST AUDIBLE. HE NOTED GCOB AVERSION TO BEING "SNOWED UNDER" BY LARGE TEAMS OF U. S. EXPERTS. HE ARGUED THAT GCOB CONCERN WITH HAVING TO COPE WITH SUCH EXPERTS WAS PART OF EXPLANATION FOR LENGTHY DELAYS IN RESPONDING TO U. S. PROPOSAL FOR TALKS SINCE GCOB DID NOT FEEL CONFIDENT IT COULD DEAL WITH SUCH EXPERTS. IT ALSO REQUIRED THAT IT SEEK TO HIRE EXPERTS OF ITS OWN. I ARGUED THAT THERE WAS NO INTENTION OF INUNDATING GCOB WITH A LARGE TEAM. I NOTED FURTHER, HOWEVER, THAT THERE WERE VARIOUS LEGISLATIVE AND OTHER REQUIREMENTS WHICH NECESSITATED PARTICIPATION OF PARTICULAR U. S. EXPERTS. FURTHER, HOWEVER, I ARGUED THAT THIS SHOULD BE VIEWED BY GCOB AS A DISTINCT PLUS SINCE THESE EXPERTS WOULD BE ABLE TO MAKE USEFUL AND EFFECTIVE CONTRIBUTION TO THE DISCUSSIONS, PERHAPS INCLUDING HELPING TO CLARIFY

OR ANSWER TECHNICAL QUESTIONS WHICH GCOB MAY HAVE.
OBVIOUSLY GCOB IS ALWAYS FREE TO SEEK ITS OWN INDEPENDENT
EXPERTISE, BUT I URGED THAT IT NOT DELAY INITIATION OF
TALKS FOR THIS PURPOSE, STATING THAT ONCE TALKS WERE
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BEGUN IT MIGHT FIND THAT MANY MATTERS WHICH NOW APPEARED
TO BE ISSUES COULD READILY BE RESOLVED. IF THERE WERE
TECHNICAL MATTERS ON WHICH GCOB REQUIRED INDEPENDENT
VERIFICATION, IT COULD ALWAYS PLACE THOSE ISSUES TO ONE
SIDE PENDING OPPORTUNITY FOR SUCH VERIFICATION.

COMMENT: BAIN'S REACTION WAS PRECISELY AS EXPECTED.
YOU WILL RECALL FROM EARLIER REPORTING, E.G., MY DISCUSSION
WITH DEPRIMIN HANNA, OF EXPRESSION OF FEELING OF
INFERIORITY AND INABILITY TO COPE WITH THE PROBLEM AND
WITH U. S. EXPERTISE. FURTHER, AS THOSE IN DEPARTMENT
WHO HAVE FOLLOWED GCOB AFFAIRS WELL KNOW, THERE IS
PSYCHOLOGICAL AVERSION TO BEING CONFRONTED BY LARGE
GROUP OF U. S. EXPERTS, A PROBLEM WHICH WE HAVE ENCOUN-
TERED BEFORE ON OTHER ISSUES WITH GCOB. THUS, WHILE I,
OF COURSE, WELCOME TOM CLINGAN AND RECOGNIZE HIS
RESPONSIBILITIES AND EXPERTISE AS SET FORTH IN REF A, IT
IS IN MY VIEW ABSOLUTELY ESSENTIAL THAT DEPARTMENT NOT
REPEAT NOT LOAD US UP WITH A LARGE DELEGATION FROM
WASHINGTON. I WOULD HOPE THAT WITH DEPUTY ASSISTANT
SECRETARY'S PERSONAL EXPERTISE WE COULD KEEP OTHER REPRE-
SENTATION TO NO MORE THAN TWO OTHERS WHICH, WITH ONE
EMBASSY PARTICIPANT, WOULD MAKE A TOTAL U. S. TEAM OF
FOUR. IF WASHINGTON WANTS TO HAVE OTHERS AVAILABLE
IN NASSAU FOR PURPOSES OF BACKSTOPPING THE DELEGATION,
I HAVE NO OBJECTION TO THAT. HOWEVER, I STRONGLY URGE
ACTUAL DELEGATION BE LIMITED TO NO MORE THAN FOUR.

9. WE WILL WITHIN NEXT FEW DAYS SUBMIT FOR WASHINGTON
COMMENTS PROPOSED RESPONSE TO GCOB NOTE, REF B. IN THE
MEANTIME, I WOULD BE MOST GRATEFUL FOR DEPARTMENT'S
REFLECTIONS ON ABOVE POINTS AND, IN PARTICULAR, ITS
VIEWS ON HOW BEST TO PLAY THE MORATORIUM ISSUE.
WEISS

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